

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Magistrate No.  
03-M-1140-JGD

UNITED STATES OF AMERICA

v.

HABEEB ADEOLA AZEEZ

**MEMORANDUM AND ORDER OF DETENTION**

October 22, 2003

DEIN, M.J.

The defendant is charged in a criminal complaint with knowingly and intentionally and unlawfully importing heroin, a Class I controlled substance, into the United States in violation of 21 U.S.C. § 952(a). An initial appearance was held on October 20, 2003 at which time the government moved for detention under 18 U.S.C. §§ 3142(f)(1)(C) (danger to the community) and (f)(2)(A) (risk of flight). A detention hearing was held on October 22, 2003, at which time the defendant was represented by counsel.

Special Agent Diorio testified at the detention hearing on behalf of the government, and was cross-examined by defense counsel. The defendant presented no evidence. At the conclusion of the government's case, the defendant withdrew his objection to the government's motion for detention, without prejudice to his right to seek release at a later date. After argument, the court found that there is probable cause to believe that the offense charged was committed and that the defendant committed the offense. The defendant is to be bound over for further proceedings in the District Court.

IT IS ACCORDINGLY ORDERED that the defendant be DETAINED pending trial, and it is further Ordered --

- (1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and
- (3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

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/s/  
Judith Gail Dein  
United States Magistrate Judge